

bers, Travis, Hardin, and Fannin with a seine or net with not less than a four-inch size mesh, and providing that catfish, crappie, perch, bass and other kind of fish, if any, caught in such seine or net shall be immediately released in the waters where caught and that the owner or one in possession of said seine or net shall, within five days from and after the using of same, make a report under oath to the Game, Fish and Oyster Commissioner, reporting the name of each and every person in the party and showing in said report that all fish not permitted to be caught or taken were released as aforesaid, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, February 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 672, "An Act to amend Chapter 21, Local and Special Laws enacted by the Thirty-eighth Legislature at its Regular Session in 1923, same being a special road law for Falls county, Texas, by adding thereto a new section, 3a, authorizing the commissioners court of Falls county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, February 27, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 681, "An Act creating a special road law for Karnes county, Texas; requiring surety bonds of road overseers, containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom, setting forth the method of said operation; and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 27, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 413, "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison and Rusk counties, State of Texas, and providing penalties for violations, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 27, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 102, "An Act to repeal Chapter 160 of the Acts of the Fortieth Legislature, making it illegal for any person to take or trap by means of any snare, deadfall or steel trap any fur-bearing animal within the territorial limits of Cass county for a period of five years,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

## THIRTY-SIXTH DAY.

(Friday, March 1, 1929.)

The House met at 11:35 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Minor.

The roll was called and the following members were present:

Mr. Speaker.	Conway.
Ackerman.	Cox of Navarro.
Adkins.	Cox of Lamar.
Anderson.	Cox of Limestone.
Baker.	Davis.
Barnett.	DeWolfe.
Bateman.	Dunlap.
Beck.	Duvall.
Bond.	Enderby.
Bounds.	Ewing.
Bradley.	Eickenroht.
Brice.	Finn.
Brooks.	Finlay.
Carpenter.	Forbes.
Chastain.	Fuchs.
Coltrin.	Gates.

Gerron.	Negley.
Gilbert.	Nicholson.
Giles.	Olsen.
Graves	O'Neill.
of Williamson.	Palmer.
Graves of Erath.	Patterson.
Hardy.	Pavlica.
Harding.	Petsch.
Harman.	Pool.
Harper.	Pope of Jones.
Harrison.	Pope of Nueces.
Heaton.	Prendergast.
Hefley.	Purl.
Hines.	Quinn.
Hogg.	Ray.
Holder.	Reader.
Hopkins.	Reid.
Hornaday.	Renfro.
Hubbard.	Richardson.
Jenkins.	Rogers.
Johnson	Rountree.
of Dimmit.	Sanders.
Johnson of Smith.	Savage.
Johnson of Scurry.	Shaver.
Jones.	Shelton.
Justiss.	Sherrill.
Kayton.	Shipman.
Keeton.	Simmons.
Keller.	Sinks.
Kemble.	Smith.
Kennedy.	Snelgrove.
Kenyon.	Speck.
Kincaid.	Stephens.
King.	Stevenson.
Kinnear.	Storey.
Land.	Strong.
Lee.	Tarwater.
Lemens.	Thurmond.
Long of Wichita.	Tillotson.
Loy.	Turner.
Mankin.	Van Zandt.
Martin.	Veatch.
Mauritz.	Waddell.
Maynard.	Wallace.
McCombs.	Warwick.
McGill.	Westbrook.
McKean.	White.
Mehl.	Wiggs.
Metcalfe.	Williams
Minor.	of Sabine.
Montgomery.	Williams
Moore.	of Travis.
Morse.	Woodall.
Mosely.	Woodruff.
Mullally.	Young.
Murphy.	

Absent—Excused.

Acker.	Thompson.
Albritton.	Walters.
Avis.	Webb.
Baldwin.	Williams
Long of Houston.	of Hardin.
McDonald.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Baldwin for today, on motion of Mr. Martin.

Mr. Long of Houston for today, on motion of Mr. Palmer.

The following members were granted leaves of absence on account of illness:

Mr. McDonald for today, on motion of Mr. Gerron.

Mr. Webb for today, on motion of Mr. Savage.

Mr. Walters for today, on motion of Mr. Forbes.

Mr. Acker for today, on motion of Mr. Morse.

#### MOTION TO PRINT SENATE BILL NO. 531.

Mr. Savage moved that Senate bill No. 531, reported adversely, with a minority favorable report, be printed.

The motion was lost.

Mr. McCombs moved to reconsider the vote by which the motion was lost.

Mr. Bond moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll was called and the vote was announced as follows: Yeas 53, nays 50.

Mr. Purl called for a verification of the vote.

The roll of yeas and nays was then called and the verified vote stood as follows:

Yeas—52.

Adkins.	Jenkins.
Baker.	Johnson of Smith.
Bond.	Johnson of Scurry.
Bradley.	Kemble.
Coltrin.	Kennedy.
DeWolfe.	Kincaid.
Eickenroht.	King.
Finlay.	Kinnear.
Forbes.	Loy.
Gerron.	McGill.
Giles.	Minor.
Graves	Mosely.
of Williamson.	Olsen.
Harper.	Patterson.
Heaton.	Pavlica.
Hefley.	Pope of Jones.
Hines.	Reid.
Hogg.	Richardson.
Hornaday.	Rogers.

Shaver.	Thurmond.
Shelton.	Waddell.
Shipman.	Warwick.
Simmons.	White.
Sinks.	Williams
Smith.	of Sabine.
Stephens.	Woodall.
Strong.	Woodruff.

Nays—50.

Barnett.	Mehl.
Bateman.	Metcalfe.
Beck.	Montgomery.
Bounds.	Moore.
Carpenter.	Morse.
Chastain.	Mullally.
Conway.	Murphy.
Cox of Navarro.	Nicholson.
Cox of Limestone.	Pool.
Duvall.	Purl.
Enderby.	Quinn.
Finn.	Ray.
Fuchs.	Reader.
Graves of Erath.	Rountree.
Johnson	Sanders.
of Dimmit.	Savage.
Jones.	Sherrill.
Justiss.	Snelgrove.
Kenyon.	Speck.
Land.	Storey.
Lemens.	Tillotson.
Long of Wichita.	Van Zandt.
Mankin.	Veatch.
Martin.	Westbrook.
Maynard.	Young.
McCombs.	

Present—Not Voting.

Brice.	Renfro.
Gilbert.	Tarwater.
Hardy.	Williams
Harrison.	of Travis.

Absent.

Ackerman.	Keeton.
Anderson.	Keller.
Brooks.	Lee.
Cox of Lamar.	Mauritz.
Davis.	McKean.
Dunlap.	Negley.
Ewing.	O'Neill.
Gates.	Palmer.
Harding.	Petsch.
Harman.	Pope of Nueces.
Holder.	Prendergast.
Hopkins.	Stevenson.
Hubbard.	Turner.
Kayton.	Wiggs.

Absent—Excused.

Acker.	Thompson.
Albritton.	Wallace.
Avis.	Walters.
Baldwin.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.

The Speaker announced that the motion to table prevailed.

#### HOUSE BILL NO. 17 WITH SENATE AMENDMENTS.

Mr. Harman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 17, A bill to be entitled "An Act to amend Article 2094, Article 2095, and Article 2096 of the Revised Statutes of 1925, relating to the selection of jurors; amending Article 2094 of the Revised Statutes, 1925, providing for the appointment of jury commissioners to select jurors in certain counties."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Harman the House concurred in the Senate amendments by the following vote:

Yeas—104.

Mr. Speaker.	Johnson of Smith.
Ackerman.	Johnson of Scurry.
Adkins.	Justiss.
Baker.	Kayton.
Barnett.	Keeton.
Bateman.	Keller.
Beck.	Kemble.
Bounds.	Kennedy.
Brice.	Kenyon.
Carpenter.	Kincaid.
Chastain.	King.
Conway.	Kinnear.
Cox of Lamar.	Lee.
Cox of Limestone.	Lemens.
DeWolfe.	Loy.
Dunlap.	Mankin.
Duvall.	Martin.
Enderby.	Mauritz.
Ewing.	Maynard.
Finlay.	McCombs.
Forbes.	McGill.
Fuchs.	Mehl.
Gates.	Metcalfe.
Gerron.	Montgomery.
Gilbert.	Moore.
Graves	Morse.
of Williamson.	Mosely.
Graves of Erath.	Mullally.
Hardy.	Murphy.
Harding.	Nicholson.
Harman.	Olsen.
Harper.	Patterson.
Heaton.	Pavlica.
Hopkins.	Pool.
Hornaday.	Purl.
Hubbard.	Quinn.
Jenkins.	Ray.
Johnson	Reid.
of Dimmit.	Renfro.

Richardson.	Storey.
Rogers.	Strong.
Rountree.	Tarwater.
Sanders.	Tillotson.
Savage.	Van Zandt.
Shaver.	Veatch.
Shelton.	Waddell.
Sherrill.	Warwick.
Shipman.	Westbrook.
Simmons.	White.
Sinks.	Williams
Snelgrove.	of Sabine.
Speck.	Williams
Stephens.	of Travis.
Stevenson.	Young.

Present—Not Voting.

Giles.	Harrison.
	Absent.

Acker.	Long of Wichita.
Anderson.	McKean.
Baldwin.	Negley.
Bradley.	O'Neill.
Brooks.	Palmer.
Coltrin.	Petsch.
Cox of Navarro.	Pope of Jones.
Davis.	Pope of Nueces.
Eickenroht.	Prendergast.
Finn.	Reader.
Hefley.	Smith.
Hines.	Thurmond.
Hogg.	Turner.
Holder.	Wiggs.
Jones.	Woodall.
Land.	Woodruff.

Absent—Excused.

Albritton.	Thompson.
Avis.	Wallace.
Bond.	Walters.
Long of Houston.	Webb.
McDonald.	Williams
Minor.	of Hardin.

RECESS.

On motion of Mr. Wallace, the House, at 12 o'clock noon, took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### RELATING TO TELEPHONE AND TELEGRAPH EXPENSE.

Mr. Kemble offered the following resolution:

Whereas, Under the resolution providing for telegraph and telephone expenses of the House it was provided that each member would be entitled to fifteen

(\$15) dollars for telegraph expenses and fifteen (\$15) dollars for telephone expenses; and

Whereas, Only the amount actually expended for these purposes can be paid the members upon sworn account duly verified; and

Whereas, Numerous members have spent more for one purpose than the amount allowed them under said resolution and less for the other purpose allowed; therefore, be it

Resolved, That the amount for each expense item may be interchangeable, so that each member shall be allowed for telephone and telegraph expenses thirty (\$30) dollars, and no more.

Signed—Kemble, Kayton, Wallace, Reid, McGill, Morse, Purl.

The resolution was read second time and was adopted.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Wallace, Senate bill No. 601 was ordered not printed.

#### SENATE BILL NO. 601 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 601, A bill to be entitled "An Act to make an appropriation of the sum of \$80,000, or so much thereof as may be necessary, payable out of the general revenue of the State of Texas not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### ADOPTING ASSISTANT MASCOT OF THE HOUSE.

Mr. Johnson offered the following resolution:

Whereas, James E. Heaton, Jr., son of a distinguished member of this House, the Hon. James E. Heaton, Sr., is a proper person to hold the distinction and honor of the office of assistant mascot of the House of Representatives of the Forty-first Legislature; therefore, be it

Resolved, That the said James E. Heaton, Jr., be, and he is hereby, officially named by this House as assistant mascot of the House of Representatives of the Forty-first Legislature of the State of Texas.

Signed—Johnson of Scurry, Woodall, Mosely, Gilbert, Van Zandt.

The resolution was read second time and was adopted.

#### RELATING TO INVESTIGATING FEDERAL PERSECUTIONS.

Mr. Brice offered the following resolution:

Whereas, On the 21st day of January, A. D. 1929, there was introduced in the House of Representatives of Texas as shown on page 185 of the House Journal of January 21, 1929, a resolution to memorialize the Congress of the United States to authorize an investigation of Federal prosecutions of independent oil production enterprises and independent oil producers in Texas; and

Whereas, Said resolution was referred to the Committee on Federal Relations for consideration; and

Whereas, Said Committee on Federal Relations duly met and employed a shorthand reporter to report and transcribe the proceedings, and said shorthand reporter did report and transcribe the proceedings of a public hearing held in regard to said resolution, and furnished copies of the record of said hearing to the Committee on Federal Relations and to the Attorney General of Texas; and

Whereas, No provision has heretofore been made for the payment of the services of such shorthand reporter, and said shorthand reporter has not been paid for his services; therefore, be it

Resolved, by the House of Representatives, That the bill for said services, after same has been duly approved by the chairman of the Federal Relations Committee, be paid out of the contingent expense fund of the House of Representatives of Texas.

The resolution was read second time and was adopted.

#### PROPOSED AMENDMENT TO THE HOUSE RULES.

The Speaker laid before the House, for consideration at this time, the following proposed amendment to the House Rules:

Amend Section 1 to Rule 28 by amending to read as follows:

Of Admission to the House.

1. Persons hereafter named, and none other, shall be entitled to the Hall of the House when the House is in session, viz., the members and employees of the House, Senators and employees of the Senate, the Governor and his private

secretary, the Lieutenant Governor, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other States, judges of the Supreme Court and Courts of Criminal and Civil Appeals, the heads of all State departments, and contestants in election cases pending their contest in the House, and the immediate families of the Legislature.

The amendment having heretofore been referred to the Committee on Rules and reported favorably.

On motion of Mr. Wallace, the proposed amendment was adopted.

Mr. Barnett moved a call of the House for the purpose of maintaining a quorum until 5:30 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Barnett, the Sergeant-at-Arms was instructed to bring in all members within the city who are not ill.

#### RELATING TO DICKSON COLORED ORPHANAGE.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25, Relating to Dickson Colored Orphanage.

Whereas, Dickson Orphanage, Incorporated, executed and delivered a deed on February 9, 1929, conveying to W. H. Francis, trustee, a tract of land near the town of Gilmer, Upshur county, Texas, the same containing an aggregate of about seven hundred (700) acres all in a solid body, together with all improvements thereon, said improvements consisting of forty (40) buildings on the campus, thirteen (13) buildings, including barns, on the farm, upward of thirty (30) head of cattle, several teams of mules, with harness, miscellaneous farm equipment and a good fence enclosing all of said land, part of which is hog-wire fence, all of which land and improvements constitute the Dickson Colored Orphanage; and

Whereas, It is provided in said deed that the title to said property and improvements is to be transferred by said trustee to the State of Texas at any time after the donation aforesaid has been accepted by the State and the Leg-

islature should express a desire to have such transfer made; and

Whereas, It has been determined that the property herein is suitable for a State orphanage for colored children and is well located with reference to the colored population of the State of Texas and for the purpose for which it is maintained, and it having been made to appear that the same is now vested in fee simple in W. H. Francis, trustee, as aforesaid, and that he is now ready, willing and anxious to execute and deliver his deed conveying the property to the State for the purpose herein set forth; and

Whereas, The State of Texas has not established and does not maintain an orphanage asylum for indigent colored children; and

Whereas, The State of Texas, acting by and through the Legislature, desires to show its appreciation of its colored citizenship by making ample provision for the maintenance, education and training of its indigent colored children; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the donation on the part of the Dickson Colored Orphanage, Incorporated, of the lands and premises and improvements herein, and described in the deed conveying the property to W. H. Francis, trustee, in trust for the State of Texas for the establishment of an orphan asylum, for colored children, be and the same is hereby accepted, and said trustee is hereby directed to execute and deliver the proper deed conveying said land and premises unto the State of Texas for the purpose herein specified, free from all debts, liens or incumbrances of any character whatsoever. The instrument to be executed and delivered shall be drawn by the Attorney General and, after its execution, shall be delivered to the State Board of Control of this State to be by it filed and recorded in the county clerk's office of Upshur county, Texas; be it further

Resolved, That thanks be extended to the donors of the property and that deep appreciation of the truly patriotic motives impelling such donation be and the same are hereby expressed on behalf of the Legislature, as well as the State and the general public to the Dickson Colored Orphanage, Incorporated, as well as to the good people of the city of Gilmer, Texas; be it further

Resolved, That a copy of this resolution be forwarded to said donors and a copy hereof be furnished W. H. Fran-

cis, trustee, for his information and guidance.

The resolution was read second time.

On motion of Mr. Adkins, the resolution was referred to the Committee on Eleemosynary Institutions.

#### SENATE BILL NO. 601 ON THIRD READING.

Mr. Wallace moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 601 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	Kincaid.
Ackerman.	King.
Adkins.	Land.
Anderson.	Lee.
Baker.	Lemens.
Barnett.	Long of Wichita.
Bateman.	Loy.
Bond.	Mankin.
Bounds.	Mauritz.
Brice.	Maynard.
Carpenter.	McGill.
Chastain.	McKean.
Coltrin.	Metcalfe.
Conway.	Minor.
Cox of Navarro.	Moore.
Cox of Lamar.	Morse.
Cox of Limestone.	Mosely.
Davis.	Mullally.
DeWolfe.	Murphy.
Enderby.	Negley.
Ewing.	Nicholson.
Finlay.	Olsen.
Forbes.	O'Neill.
Gerron.	Palmer.
Gilbert.	Pavlica.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Pope of Nueces.
Graves of Erath.	Purl.
Hardy.	Quinn.
Harding.	Ray.
Harman.	Reader.
Harper.	Reid.
Harrison.	Renfro.
Heaton.	Richardson.
Hefley.	Rogers.
Hines.	Rountree.
Holder.	Sanders.
Hornaday.	Shaver.
Jenkins.	Shelton.
Johnson	Sherrill.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Snelgrove.
Jones.	Speck.
Justiss.	Stephens.
Kemble.	Stevenson.
Kennedy.	Storey.

Strong.  
Tarwater.  
Thurmond.  
Tillotson.  
Van Zandt.  
Veatch.  
Waddell.

Wallace.  
Warwick.  
Williams  
of Travis.  
Woodall.  
Young.

Nays—1.

Woodruff.

Absent.

Beck.	Martin.
Bradley.	McCombs.
Brooks.	Mehl.
Dunlap.	Montgomery.
Duvall.	Patterson.
Eickenroht.	Petsch.
Finn.	Prendergast.
Fuchs.	Savage.
Gates.	Shipman.
Hogg.	Smith.
Hopkins.	Turner.
Hubbard.	Westbrook.
Kayton.	White.
Keeton.	Wiggs.
Keller.	Williams
Kenyon.	of Sabine.
Kinnear.	

Absent—Excused.

Acker.	Thompson.
Albritton.	Walters.
Avis.	Webb.
Baldwin.	Williams
Long of Houston.	of Hardin.
McDonald.	

The Speaker then laid Senate bill No. 601 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—108.

Mr. Speaker.	Ewing.
Anderson.	Finlay.
Baker.	Forbes.
Barnett.	Gates.
Bateman.	Gerron.
Beck.	Gilbert.
Bond.	Giles.
Bounds.	Graves
Bradley.	of Williamson.
Brice.	Graves of Erath.
Brooks.	Hardy.
Carpenter.	Harding.
Chastain.	Harman.
Coltrin.	Harper.
Conway.	Harrison.
Cox of Navarro.	Heaton.
Cox of Lamar.	Hefley.
Cox of Limestone.	Hines.
Davis.	Holder.
DeWolfe.	Hornaday.
Duvall.	Jenkins.
Enderby.	Johnson of Scurry.

Johnson	Quinn.
of Dimmit.	Ray.
Johnson of Smith.	Reader.
Jones.	Reid.
Justiss.	Renfro.
Keller.	Richardson.
Kemble.	Rogers.
Kennedy.	Rountree.
King.	Sanders.
Land.	Savage.
Lee.	Shaver.
Lemens.	Shelton.
Long of Wichita.	Sherrill.
Loy.	Simmons.
Mankin.	Sinks.
Mauritz.	Smith.
Maynard.	Snelgrove.
McCombs.	Speck.
McGill.	Stephens.
McKean.	Stevenson.
Metcalfe.	Storey.
Minor.	Tarwater.
Morse.	Thurmond.
Mosely.	Tillotson.
Mullally.	Van Zandt.
Murphy.	Veatch.
Nicholson.	Waddell.
O'Neill.	Wallace.
Palmer.	Warwick.
Pavlica.	Williams
Pool.	of Travis.
Pope of Jones.	Woodall.
Prendergast.	Woodruff.
Purl.	Young.

Absent.

Ackerman.	Montgomery.
Adkins.	Moore.
Dunlap.	Negley.
Eickenroht.	Olsen.
Finn.	Patterson.
Fuchs.	Petsch.
Hogg.	Pope of Nueces.
Hopkins.	Shipman.
Hubbard.	Strong.
Kayton.	Turner.
Keeton.	Westbrook.
Kenyon.	White.
Kincaid.	Wiggs.
Kinnear.	Williams
Martin.	of Sabine.
Mehl.	

Absent—Excused.

Acker.	Thompson.
Albritton.	Walters.
Avis.	Webb.
Baldwin.	Williams
Long of Houston.	of Hardin.
McDonald.	

BILLS ORDERED NOT PRINTED.

On motion of Mr. Metcalfe, Senate bill No. 515 was ordered not printed.

On motion of Mr. Reid, House bill No. 143 was ordered not printed.

COMMITTEE SUBSTITUTE ORDERED  
PRINTED.

On motion of Mr. Sanders, the committee substitute to Senate bill No. 560 was ordered printed instead of the original bill.

## PROVIDING FOR COMPILING LEGISLATIVE MANUAL.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 28, relating to compiling Legislative Manual, the resolution having been read second time on yesterday, with amendment by Mr. Van Zandt and motion by Mr. Woodruff to postpone further consideration of the resolution indefinitely, and motion by Mr. Purl to refer the resolution to the Committee on Rules, pending.

Mr. Morse moved to table the motion to postpone indefinitely.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—65.

Ackerman.	McGill.
Baker.	McKean.
Bateman.	Mehl.
Beck.	Metcalfe.
Bounds.	Moore.
Bradley.	Morse.
Carpenter.	Mullally.
Coltrin.	Negley.
Davis.	Nicholson.
Enderby.	Palmer.
Ewing.	Patterson.
Eickenroht.	Pool.
Forbes.	Pope of Jones.
Gates.	Purl.
Gilbert.	Quinn.
Graves of Erath.	Ray.
Hardy.	Reader.
Harding.	Renfro.
Harper.	Richardson.
Hopkins.	Rogers.
Johnson	Rountree.
of Dimmit.	Savage.
Johnson of Smith.	Shelton.
Justiss.	Sinks.
Keller.	Smith.
Kemble.	Snelgrove.
Kincaid.	Strong.
Kinnear.	Tarwater.
Long of Wichita.	Thurmond.
Loy.	Waddell.
Mankin.	Warwick.
Mauritz.	White.
Maynard.	Williams
McCombs.	of Travis.

Nays—43.

Adkins.	Land.
Barnett.	Lee.
Bond.	Lemens.
Brice.	Minor.
Brooks.	Mosely.
Chastain.	Olsen.
Conway.	O'Neill.
Cox of Lamar.	Pavlica.
Cox of Limestone.	Prendergast.
DeWolfe.	Reid.
Finlay.	Sanders.
Gerron.	Sherrill.
Giles.	Shipman.
Graves	Simmons.
of Williamson.	Speck.
Hefley.	Stephens.
Hines.	Stevenson.
Holder.	Van Zandt.
Jenkins.	Veatch.
Johnson of Scurry.	Wallace.
Kennedy.	Williams of Sabine.
King.	Woodruff.

Present—Not Voting.

Heaton.

Woodall.

Absent.

Anderson.	Kenyon.
Baldwin.	Martin.
Cox of Navarro.	Montgomery.
Dunlap.	Murphy.
Duvall.	Petsch.
Finn.	Pope of Nueces.
Fuchs.	Shaver.
Harman.	Storey.
Harrison.	Tillotson.
Hogg.	Turner.
Hubbard.	Westbrook.
Jones.	Wiggs.
Kayton.	Young.
Keeton.	

Absent—Excused.

Acker.	McDonald.
Albritton.	Thompson.
Avis.	Walters.
Hornaday.	Webb.
Long of Houston.	Williams of Hardin.

Mr. Purl withdrew the motion to refer the resolution to the Committee on Rules.

Mr. Keller offered the following substitute for the resolution:

## Resolution.

Section 1. Providing for the appointment of a special committee of two members of the Senate and three members of the House to supervise the compilation of a Legislative Manual; providing for the employment of suitable persons to compile data therefor, and providing compensation for such work, and making



appropriation for the purposes of this resolution.

Sec. 2. Whereas, Each succeeding Legislature orders printed an entirely new set of Legislative Manuals; and

Whereas, There is in each new edition of the Legislative Manual a vast amount of unchanged matter carried over from the preceding Manual; and

Whereas, The continuation of such a practice will result in the useless expenditure of public funds; and

Whereas, The Legislative Manual now in use is incomplete; and

Whereas, The compilation and publication of a new and complete Manual with perpetual supplement is desirable; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Sec. 3. That there shall be appointed a special committee, consisting of two members of the Senate, to be appointed by the Lieutenant Governor, and three members of the House, to be appointed by the Speaker, whose duty it shall be to arrange with some suitable person, well versed in parliamentary practices, to compile all necessary data for a Legislative Manual and perpetual supplement, which data shall contain the Constitution of the United States of America, and an index thereto; the Constitution of the State of Texas, and an index thereto; annotations to the Constitution of the State of Texas, and an index thereto; (annotations to the Constitution of Texas, and an index to said annotations); the Rules of the House of Representatives, and an index thereto; the Rules of the Senate, and an index thereto; an outline showing progress of a bill with variations, and an index thereto; the Declaration of Independence; Jefferson's Legislative Manual, with an index thereto; the legislative and congressional precedents, with an index thereto; legislative forms, and an index thereto; and such other data as may properly be included in a Legislative Manual; such work to be done under the direction and supervision of the committee herein provided for.

Sec. 4. The persons selected to compile the data herein provided for shall, if employed by the day, receive such compensation as in the judgment of the committee is reasonable, not to exceed \$10 per day for each day of work actually performed, and in no event shall such person be paid more than \$400. The committee, if it deems it necessary and advisable, may employ a stenographer to assist in compiling the data for

the Legislative Manual at not to exceed \$5 for each day's work actually performed and for a period not to exceed thirty days, if by contract for the work of compiling the data complete, then such fixed sum as the committee shall consider reasonable, but in no event shall the sum paid for compiling said data exceed \$600.

Sec. 5. When the data hereinbefore specified is completed and has been approved by the committee provided for herein, there shall be printed for the use of the House and Senate 1000 copies of said Manual, 200 copies to be bound in flexible morocco covering at a cost not to exceed fifty cents per copy above the cost of the same books in flexible cloth, according to specifications and contract with the public printer.

Provided further, that the name of each member and officer of the House and Senate be embossed upon the back of one copy of said Manual, said copy to be the property of the member or officer whose name is upon said copy. Three-fourths of said copies shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses in said proportion; provided, that the public printer shall not be paid for composition but one time.

Provided further, that the compiling of the data shall be completed in time for the printing to be done prior to the convening of the Regular Session of the Forty-second Legislature.

Provided further, that in addition to the 200 copies to be bound in flexible morocco, as herein provided, there shall be 600 paper-bound copies printed and turned over to the Secretary of State for the use of the Legislature hereafter and 200 copies to be delivered to the State Librarian for exchange with other State libraries. The members of the press working as such in the Forty-first Legislature shall be provided with a copy of said Manual by the Secretary of State.

Sec. 6. That the cost of compiling the data and the printing and binding of the Legislative Manual, as herein provided for, be paid out of the contingent funds of the two houses, three-fourths by the House and one-fourth by the Senate, in the manner provided by law and the rules of the two houses. That the printing and binding of said Legislative Manuals be done under the direction of the Board of Control.

Mr. Morse offered the following amendment to the substitute resolution:

Amend the substitute for House concurrent resolution No. 28 by striking out all of Section 4 and inserting in lieu thereof the following:

Sec. 4. The person selected to compile the data herein provided for shall, if employed by the day, receive such compensation as in the judgment of the committee is reasonable, not to exceed \$10 per day for each day of work actually performed, and in no event shall such person be paid more than \$600. The committee, if it deem it necessary and advisable, may employ a stenographer to assist in compiling the data for the Legislative Manual, at not to exceed \$5 for each day's work actually performed and for a period not to exceed sixty days; if by contract for the work of compiling the data complete, then such fixed sum as the committee shall consider reasonable, but in no event shall the sum paid for compiling said data exceed \$900.

Signed—Morse, Keller, Kemble.

Mr. Wallace moved that the resolution and amendments be referred to the Committee on Rules.

Mr. Morse moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—29.

Adkins.	Kemble.
Baker.	Kinnear.
Beck.	Lemens.
Bradley.	Maynard.
Cox of Navarro.	McCombs.
Ewing.	Mehl.
Fuchs.	Metcalfe.
Gilbert.	Moore.
Giles.	Mullally.
Hardy.	Nicholson.
Harper.	Palmer.
Johnson	Patterson.
of Dimmit.	Pool.
Kayton.	Reader.
Keller.	Rountree.

Nays—81.

Ackerman.	Coltrin.
Anderson.	Conway.
Barnett.	Cox of Lamar.
Bateman.	Cox of Limestone.
Bond.	Davis.
Bounds.	DeWolfe.
Brooks.	Dunlap.
Carpenter.	Duvall.
Chastain.	Enderby.

Eickenroht.	Pavlica.
Finlay.	Pope of Jones.
Forbes.	Purl.
Gerron.	Quinn.
Graves	Ray.
of Williamson.	Reid.
Graves of Erath.	Renfro.
Harding.	Richardson.
Harman.	Rogers.
Harrison.	Sanders.
Heaton.	Savage.
Hefley.	Shelton.
Hines.	Sherrill.
Holder.	Shipman.
Jenkins.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Snelgrove.
Jones.	Speck.
Kennedy.	Stevenson.
Kincaid.	Strong.
King.	Tarwater.
Land.	Thompson.
Lee.	Thurmond.
Loy.	Van Zandt.
Mankin.	Veatch.
McGill.	Waddell.
McKean.	Wallace.
Minor.	Warwick.
Morse.	White.
Mosely.	Woodall.
Murphy.	Woodruff.
Olsen.	Young.
O'Neill.	

Present—Not Voting.

Keeton.

Mauritz.

Absent.

Baldwin.	Pope of Nueces.
Brice.	Prendergast.
Finn.	Shaver.
Gates.	Smith.
Hogg.	Stephens.
Hopkins.	Storey.
Hornaday.	Tillotson.
Hubbard.	Turner.
Justiss.	Westbrook.
Kenyon.	Wiggs.
Long of Wichita.	Williams
Martin.	of Sabine.
Montgomery.	Williams
Negley.	of Travis.
Petsch.	

Absent—Excused.

Acker.	Walters.
Albritton.	Webb.
Avis.	Williams
Long of Houston.	of Hardin.
McDonald.	

Question then recurring on the motion that the resolution and the substitute resolution be referred to the Committee on Rules, it prevailed.

# PRICES CONCERNING PRINTING OF MANUAL.

The following communication was ordered printed in the Journal:

Austin, Texas, February 28, 1929.

Hon. John Davis and Hon. Jack Keller,  
House of Representatives, Capitol.

Gentlemen: Complying with your request for estimate on the cost of printing Manual in the style of that of the National House of Representatives, beg to submit the following as approximately correct, based on a book of 700 pages and 1000 paper-bound copies:

1000 copies .....	\$1,600.00
Additional 1000 or fraction thereof at .....	430.00
Binding in morocco, per volume extra .....	1.60

This is based on the contract price for printing for the House of Representatives.

Should the resolution provide for the Secretary of State or the Board of Control to have the Manual printed, the cost will be approximately:

1000 copies .....	\$1,200.00
Additional 1000 or fraction thereof .....	275.00

The difference in cost is accounted for because we have always had to pay higher prices for printing for the House of Representatives and Senate on account of the quantity of rush work and night work required in printing your daily Journals, and it has been the custom to have the Secretary of State supervise and have printed the laws and State publications, which do not require the extra-time work.

Yearly supplements anticipated will cost about \$3 per page.

We believe you will find the above prices approximately correct, but should the amount of small-size type be less or greater it would make some difference in the estimate.

Yours very truly,

STATE BOARD OF CONTROL.

Division of Printing,

JNO. W. BAILEY, Chief.

## HOUSE BILL NO. 654 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 654, A bill to be entitled "An Act defining motor carrier and placing such motor carriers under the regulations of the Railroad Commission of Texas; providing for the classification

of motor carriers into classes, and providing that every motor carrier, in order to operate on the public highways, must have a permit or certificate of public convenience and necessity; providing further, that such motor carriers may not operate without filing with the Railroad Commission of Texas a bond or insurance policy which will protect the public for injuries or loss resulting from such operation; declaring that such motor carriers are common carriers, and giving to the Railroad Commission the power to regulate the routes and rates, schedules, service and safety of such motor carriers."

The bill was read second time.

Mr. Kinnear offered the following (committee) amendment to the bill:

Amend House bill No. 654 below the enacting clause in Section 5 by changing the words "October 1, 1928," to "February 15th, 1929," and like changes wherever it appears in the bill. And amend the caption accordingly.

The amendment was adopted.

Mr. Tillotson offered the following (committee) amendment to the bill:

Amend House bill No. 654, page 3, line 31, by striking out the word "traveling" in said line.

The amendment was adopted.

Mr. Beck offered the following amendments to the bill:

(1)

Amend House bill No. 654 by striking out the words "general revenue fund" in lines 8 and 9, page 15, and substituting the following, "State Treasurer for the use and benefit of the State highway fund."

(2)

Amend House bill No. 654 by striking out the words "or capable of being rendered" in line 1, page 7, and amend the caption accordingly.

(3)

Amend House bill No. 654 by adding the words "for hire" after the word "property" ending on line 31, page 2.

The amendments were severally adopted.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend House bill No. 654 by striking out lines 37 to 40, both inclusive, page 4, and lines 1 to 10 down to and including the word "route" in line 10, page 5, and insert in lieu thereof the following:

"Any right, privilege, permit or certificate held, owned or obtained by any

motor carrier under the provisions of this act, may be sold, assigned, leased or transferred or inherited; provided, however, that any proposed sale, assignment, lease or transfer as a condition precedent shall be first presented in writing to the commission for its approval or disapproval, and the commission shall disapprove such proposed sale, assignment, lease or transfer if it be found that such sale, assignment, lease or transfer will permit the operation of a motor carrier vehicle in violation of any of the statutes and laws of this State against trusts, monopolies or conspiracies against trade as defined by the civil and criminal statutes of the State of Texas; and such proposed sale, assignment, lease or transfer shall be disapproved by the commission if the proposed sale, assignment, lease or transfer be to a competitive railroad, common carrier or to the officer, agent, manager, lessee, purchaser, director, superintendent or other person connected with the management and control of any competitive railroad corporation," and amend the caption to conform thereto.

The amendment was adopted.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend House bill No. 654 by striking out the word "incorporated" in line 9 and in line 18, page 2, printed bill.

The amendment was adopted.

Mr. Beck offered the following amendment to the bill:

Amend caption to conform to all changes in amendments.

The amendment was adopted.

House bill No. 654 was then passed to engrossment.

#### HOUSE BILL NO. 654 ON THIRD READING.

Mr. Tillotson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 654 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Mr. Speaker.	Carpenter.
Ackerman.	Chastain.
Anderson.	Conway.
Baker.	Cox of Navarro.
Barnett.	Cox of Lamar.
Bateman.	Cox of Limestone.
Beck.	DeWolfe.
Bounds.	Dunlap.
Bradley.	Duvall.
Brooks.	Enderby.

Ewing.	Mullally.
Finlay.	Murphy.
Forbes.	Negley.
Fuchs.	Nicholson.
Gates.	Olsen.
Gerron.	O'Neill.
Gilbert.	Palmer.
Giles.	Patterson.
Graves	Pavlica.
of Williamson.	Pool.
Graves of Erath.	Pope of Jones.
Hardy.	Purl.
Harding.	Quinn.
Harman.	Ray.
Harper.	Reader.
Hefley.	Reid.
Hines.	Renfro.
Holder.	Richardson.
Hornaday.	Rountree.
Jenkins.	Sanders.
Johnson	Savage.
of Dimmit.	Shaver.
Johnson of Smith.	Shelton.
Johnson of Scurry.	Shipman.
Jones.	Simmons.
Kayton.	Sinks.
Keeton.	Smith.
Kemble.	Snelgrove.
Kincaid.	Speck.
Land.	Stevenson.
Lee.	Storey.
Lemens.	Strong.
Long of Wichita.	Tarwater.
Loy.	Thurmond.
Mauritz.	Veatch.
Maynard.	Waddell.
McCombs.	Warwick.
McGill.	Williams
McKean.	of Sabine.
Minor.	Woodall.
Morse.	Woodruff.

Nays—5.

Kennedy.	Rogers.
King.	Young.
Metcalf.	

Present—Not Voting.

Bond.

Absent.

Adkins.	Kenyon.
Baldwin.	Kinnear.
Brice.	Mankin.
Coltrin.	Martin.
Davis.	Mehl.
Eickenroht.	Montgomery.
Finn.	Moore.
Harrison.	Mosely.
Heaton.	Petsch.
Hogg.	Pope of Nueces.
Hopkins.	Prendergast.
Hubbard.	Sherrill.
Justiss.	Stephens.
Keller.	Tillotson.

Turner.	White.
Van Zandt.	Wiggs.
Westbrook.	Williams of Travis.

Absent—Excused.

Acker.	Wallace.
Albritton.	Walters.
Avis.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.
Thompson.	

The Speaker then laid House bill No. 654 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Kemble.
Ackerman.	Kincaid.
Baker.	Land.
Barnett.	Lee.
Bateman.	Lemens.
Beck.	Long of Wichita.
Bounds.	Loy.
Bradley.	Maynard.
Brooks.	McCombs.
Carpenter.	McGill.
Conway.	McKean.
Cox of Navarro.	Mehl.
Cox of Lamar.	Minor.
Cox of Limestone.	Moore.
DeWolfe.	Morse.
Duvall.	Mullally.
Enderby.	Murphy.
Ewing.	Negley.
Finlay.	Nicholson.
Forbes.	Olsen.
Fuchs.	O'Neill.
Gates.	Palmer.
Gerron.	Patterson.
Gilbert.	Pavlica.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Prendergast.
Graves of Erath.	Purl.
Hardy.	Quinn.
Harding.	Ray.
Harman.	Reader.
Harper.	Reid.
Heaton.	Renfro.
Hefley.	Rountree.
Hines.	Sanders.
Holder.	Savage.
Hopkins.	Shaver.
Hornaday.	Shelton.
Jenkins.	Sherrill.
Johnson	Shipman.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Smith.
Jones.	Speck.
Kayton.	Stevenson.
Keller.	Storey.

Strong.	White.
Tarwater.	Williams
Thompson.	of Sabine.
Thurmond.	Williams
Tillotson.	of Travis.
Veatch.	Woodall.
Waddell.	Woodruff.
Warwick.	

Nays—7.

Bond.	Metcalf.
Keeton.	Rogers.
Kennedy.	Snelgrove.
King.	

Present—Not Voting.

Young.

Absent.

Adkins.	Kinnear.
Anderson.	Mankin.
Baldwin.	Martin.
Brice.	Mauritz.
Chastain.	Montgomery.
Coltrin.	Mosely.
Davis.	Petsch.
Dunlap.	Pope of Nueces.
Eickenroht.	Richardson.
Finn.	Stephens.
Harrison.	Turner.
Hogg.	Van Zandt.
Hubbard.	Westbrook.
Justiss.	Wiggs.
Kenyon.	

Absent—Excused.

Acker.	Wallace.
Albritton.	Walters.
Avis.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.

Mr. Tillotson moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE JOINT RESOLUTION NO. 15 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 15, Proposing an amendment to the Constitution of the State of Texas by providing that the Legislature shall have no power to increase or diminish the salary or compensation of any public officer to become effective during the term of office for which such officer shall have been elected or appointed.

The resolution was read second time. Mr. Barnett offered the following

(committee) amendment to the resolution:

Amend House joint resolution No. 15 by striking out the words "or diminish" and the words "or diminishing" wherever they may appear in the resolution; and amend the caption to conform thereto.

The amendment was adopted.

Mr. Woodall moved to reconsider the vote by which the amendment was adopted.

The motion to reconsider prevailed.

Question then recurring on the amendment, it was lost.

House joint resolution No. 15 was then passed to engrossment by the following vote:

Yeas—98.

Mr. Speaker.	Keeton.
Ackerman.	Keller.
Adkins.	Kennedy.
Baker.	Kincaid.
Barnett.	King.
Bateman.	Kinnear.
Bounds.	Land.
Bradley.	Lee.
Brice.	Lemens.
Brooks.	Loy.
Carpenter.	Maynard.
Conway.	McGill.
Cox of Navarro.	Metcalfe.
Cox of Lamar.	Moore.
Cox of Limestone.	Mosely.
Davis.	Mullally.
DeWolfe.	Negley.
Enderby.	Olsen.
Ewing.	Pavlica.
Forbes.	Pool.
Fuchs.	Pope of Jones.
Gerron.	Prendergast.
Gilbert.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Graves of Erath.	Reid.
Hardy.	Renfro.
Harding.	Richardson.
Harman.	Rogers.
Harper.	Rountree.
Harrison.	Sanders.
Heaton.	Savage.
Hefley.	Shaver.
Hines.	Shelton.
Holder.	Sherrill.
Hopkins.	Shipman.
Hornaday.	Simmons.
Johnson	Sinks.
of Dimmit.	Smith.
Johnson of Smith.	Snelgrove.
Johnson of Scurry.	Speck.
Jones.	Stephens.
Kayton.	Storey.

Strong.  
Thompson.  
Tillotson.  
Van Zandt.  
Veatch.  
Waddell.

Warwick.  
Williams  
of Sabine.  
Woodall.  
Woodruff.  
Young.

Nays—15.

Anderson.  
Chastain.  
Duvall.  
Gates.  
Kemble.  
McCombs.  
McKean.  
Morse.

Murphy.  
Nicholson.  
O'Neill.  
Palmer.  
Patterson.  
White.  
Williams  
of Travis.

Present—Not Voting.

Mauritz.

Tarwater.

Absent.

Baldwin.  
Beck.  
Coltrin.  
Dunlap.  
Eickenroht.  
Finn.  
Finlay.  
Hogg.  
Hubbard.  
Jenkins.  
Justiss.  
Kenyon.

Long of Wichita.  
Mankin.  
Martin.  
Mehl.  
Montgomery.  
Petsch.  
Pope of Nueces.  
Stevenson.  
Thurmond.  
Turner.  
Westbrook.  
Wiggs.

Absent—Excused.

Acker.  
Albritton.  
Avis.  
Bond.  
Long of Houston.  
McDonald.

Minor.  
Wallace.  
Walters.  
Webb.  
Williams  
of Hardin.

HOUSE JOINT RESOLUTION NO. 16  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas by adding to Article 6 a new section, to be known as Section 6 of said article, so as to provide that all elections held in any county, school district, road district, incorporated city or town, or in any election to determine the issuance of bonds, expenditure of money or assumption of debt, only those shall be qualified to vote who own real estate subject to taxation in the county, school district, road district, city or unit in which the election is held, any other provision of this Constitution to the contrary notwithstanding.

The resolution was read second time.  
Mr. Pope of Jones offered the following amendment to the resolution:

Amend House joint resolution No. 16, page 1, line 23, by changing the word "bond" to "bonds."

The amendment was adopted.

Mr. Keller offered the following amendment to the resolution:

Amend House joint resolution No. 16 below the enacting clause by striking out the words "real estate subject to taxation" and inserting in place thereof the following, "property rendered for taxation."

Mr. Tillotson raised a point of order on further consideration of the amendment on the ground that the amendment changes the purpose of the resolution and is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Keller offered the following amendment to the resolution:

Add to the end of line 26 the following, "and provided further, that the wife of such person shall also have such right to vote."

Mr. DeWolfe raised a point of order on further consideration of the amendment on the ground that the amendment seeks to enact legislation that is already the law.

The Speaker sustained the point of order.

Mr. McKean moved the previous question on the passage of the resolution, and the main question was ordered.

House joint resolution No. 16 was then passed to engrossment by the following vote:

Yeas—64.

Ackerman.	Hefley.
Anderson.	Hopkins.
Barnett.	Hornaday.
Bateman.	Jenkins.
Brice.	Jones.
Brooks.	Kemble.
Carpenter.	Kincaid.
Chastain.	King.
Coltrin.	Lee.
Conway.	Lemens.
Davis.	Mankin.
Ewing.	Mauritz.
Eickenroht.	McGill.
Finlay.	McKean.
Forbes.	Metcalfe.
Fuchs.	Morse.
Gerron.	Mosely.
Gilbert.	Negley.
Giles.	Nicholson.
Hardy.	Olsen.
Heaton.	O'Neill.

Pavlica.	Shelton.
Pope of Jones.	Shipman.
Pope of Nueces.	Sinks.
Prendergast.	Speck.
Quinn.	Stephens.
Ray.	Strong.
Reader.	Tillotson.
Richardson.	Veatch.
Rogers.	Westbrook.
Rountree.	Woodall.
Savage.	Woodruff.

Nays—49.

Mr. Speaker.	Maynard.
Adkins.	Moore.
Baker.	Mullally.
Beck.	Murphy.
Bounds.	Palmer.
Bradley.	Patterson.
Cox of Navarro.	Pool.
Cox of Lamar.	Purl.
Cox of Limestone.	Reid.
Duvall.	Renfro.
Enderby.	Sandera.
Graves	Shaver.
of Williamson.	Simmons.
Harding.	Smith.
Harman.	Snelgrove.
Harper.	Tarwater.
Harrison.	Thompson.
Hines.	Thurmond.
Holder.	Van Zandt.
Johnson of Smith.	Waddell.
Johnson of Scurry.	Wallace.
Justiss.	Warwick.
Kennedy.	White.
Kinnear.	Williams
Land.	of Travis.
Long of Wichita.	

Present—Not Voting.

Keeton.

Absent.

Baldwin.	Loy.
DeWolfe.	Martin.
Dunlap.	McCombs.
Finn.	Mehl.
Gates.	Montgomery.
Graves of Erath.	Sherrill.
Hogg.	Storey.
Hubbard.	Turner.
Johnson	Wiggs.
of Dimmit.	Williams
Kayton.	of Sabine.
Keller.	Young.
Kenyon.	

Absent—Excused.

Acker.	Petsch.
Albritton.	Stevenson.
Avis.	Walters.
Bond.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.
Minor.	

HOUSE JOINT RESOLUTION NO. 18  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 18, Proposing an amendment to Section 24 of Article 3 of the Constitution of the State of Texas, so as to fix the compensation and mileage to be paid members of the Legislature; providing for an election on such proposed constitutional amendment, and making an appropriation therefor.

The resolution was read second time.

On motion of Mr. Metcalfe, further consideration of the resolution was postponed until next Tuesday.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 30, Requesting the return of House bill No. 699 from the Governor's office for further consideration.

H. C. R. No. 31, Commemorating the life and memory of Col. W. S. Simkins.

Has reconsidered the vote by which Senate bill No. 414 was passed finally and passed it finally by a viva voce vote, with engrossed rider.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

SENATE JOINT RESOLUTION NO. 19  
ON SECOND READING.

The Speaker laid before the House, on its second reading,

S. J. R. No. 19, Proposing an amendment to Section 5 of Article 3 of the Constitution of the State of Texas, fixing the terms for convening the Legislature of the State of Texas; providing that the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon confirmation of recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; providing that during the succeeding thirty days of the Regular Session committees of each house shall hold hearings to consider bills and resolutions and all other matters then pending; and providing that during the following sixty days of the Regular Session the Legislature

shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; and amending Section 24 of Article 3 of the Constitution of the State of Texas, increasing the per diem of members of the Legislature to \$10 per day for the first 120 days of each session and thereafter not exceeding \$5 per day; and providing for the mileage in going to and returning from the seat of government to not exceed \$2.50 for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel from a table of distances prepared by the Comptroller; and providing that no member shall be entitled to mileage for any extra session called within one day after the adjournment of a regular or called session; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The resolution was read second time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Johnson of Smith.
Ackerman.	Johnson of Scurry.
Adkins.	Justiss.
Anderson.	Kayton.
Baker.	Keeton.
Barnett.	Kemble.
Bateman.	Kincaid.
Beck.	King.
Bounds.	Kinnear.
Bradley.	Land.
Brice.	Lee.
Brooks.	Lemens.
Carpenter.	Long of Wichita.
Coltrin.	Mankin.
Conway.	Mauritz.
Cox of Limestone.	Maynard.
DeWolfe.	McGill.
Dunlap.	McKean.
Enderby.	Moore.
Ewing.	Morse.
Eickenroht.	Mosely.
Finlay.	Mullally.
Gerron.	Murphy.
Giles.	Negley.
Graves	Olsen.
of Williamson.	O'Neill.
Hardy.	Palmer.
Harman.	Patterson.
Harper.	Pool.
Harrison.	Pope of Jones.
Heaton.	Prendergast.
Hefley.	Purl.
Hines.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Reid.
Jenkins.	Renfro.



Richardson.	Tarwater.
Rogers.	Thompson.
Rountree.	Thurmond.
Sanders.	Tillotson.
Savage.	Van Zandt.
Shelton.	Veatch.
Sherrill.	Waddell.
Shipman.	Warwick.
Simmons.	Westbrook.
Sinks.	White.
Smith.	Williams
Speck.	of Travis.
Stephens.	Woodall.
Storey.	Woodruff.
Strong.	Young.

Nays—9.

Cox of Lamar.	Loy.
Forbes.	Nicholson.
Fuchs.	Pavlica.
Graves of Erath.	Snelgrove.
Kennedy.	

Absent.

Baldwin.	Kenyon.
Chastain.	Martin.
Cox of Navarro.	McCombs.
Davis.	Mehl.
Duvall.	Metcalfe.
Finn.	Minor.
Gates.	Montgomery.
Gilbert.	Pope of Nueces.
Harding.	Shaver.
Hogg.	Turner.
Hubbard.	Wallace.
Johnson	Wiggs.
of Dimmit.	Williams
Jones.	of Sabine.
Keller.	

Absent—Excused.

Acker.	Petsch.
Albritton.	Stevenson.
Avis.	Walters.
Bond.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.

HOUSE JOINT RESOLUTION NO. 20  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 20, Proposing an amendment to Section 48 of Article 3 of the Constitution of the State of Texas, authorizing the Legislature to provide for compensation of employees of the State for injuries received in performance of their duties as such.

The resolution was read second time.

Mr. Prendergast offered the following amendment to the resolution:

Amend House joint resolution No. 20

by striking out in the sixth subdivision the words "during the performance of their duties" and inserting the following, "for damages for personal injuries sustained by such employee in the course of his employment or for death resulting from such injuries."

The amendment was adopted.

House joint resolution No. 20 was then passed to engrossment by the following vote:

Yeas—79.

Ackerman.	Loy.
Baker.	Mauritz.
Barnett.	Maynard.
Bateman.	McGill.
Beck.	McKean.
Bounds.	Moore.
Bradley.	Morse.
Brooks.	Murphy.
Carpenter.	Olsen.
Chastain.	Palmer.
Conway.	Patterson.
Cox of Limestone.	Pope of Nueces.
Davis.	Purl.
Dunlap.	Quinn.
Enderby.	Ray.
Ewing.	Reader.
Forbes.	Richardson.
Fuchs.	Rogers.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Savage.
Hardy.	Shaver.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Simmons.
Heaton.	Smith.
Hefley.	Speck.
Hines.	Storey.
Holder.	Strong.
Hopkins.	Thurmond.
Hornaday.	Van Zandt.
Jenkins.	Veatch.
Johnson of Scurry.	Waddell.
Jones.	Warwick.
Justiss.	Westbrook.
Keeton.	White.
Kennedy.	Williams
Kincaid.	of Sabine.
Kinnear.	Woodall.
Land.	Woodruff.
Lemens.	

Nays—23.

Adkins.	Mullally.
Brice.	Nicholson.
Coltrin.	O'Neill.
Finlay.	Pavlica.
Gerron.	Pope of Jones.
Graves of Erath.	Reid.
Johnson of Smith.	Shipman.
King.	Sinks.
Long of Wichita.	Snelgrove.
Mosely.	Stephens.

Tarwater. Young.  
Williams of Travis.

Present—Not Voting.

Anderson.

Absent.

Baldwin.	Kenyon.
Cox of Navarro.	Lee.
Cox of Lamar.	Mankin.
DeWolfe.	Martin.
Duvall.	McCombs.
Eickenroht.	Mehl.
Finn.	Metcalfe.
Gates.	Montgomery.
Gilbert.	Negley.
Harding.	Petsch.
Hogg.	Pool.
Hubbard.	Prendergast.
Johnson	Renfro.
of Dimmit.	Thompson.
Kayton.	Tillotson.
Keller.	Turner.
Kemble.	Wiggs.

Absent—Excused.

Acker.	Stevenson.
Albritton.	Wallace.
Avis.	Walters.
Bond.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.
Minor.	

#### MOTION FOR SPECIAL ORDER.

Mr. Purl moved that Senate bill No. 504 be set as a special order for next Monday at 2 o'clock p. m.

Yeas and nays were demanded and the motion was lost by the following vote (not receiving the necessary two-thirds votes):

Yeas—69.

Ackerman.	Harper.
Anderson.	Harrison.
Baker.	Hefley.
Beck.	Hines.
Bounds.	Hopkins.
Bradley.	Jenkins.
Brice.	Johnson of Smith.
Brooks.	Johnson of Scurry.
Chastain.	Jones.
Davis.	Kayton.
Duvall.	Keller.
Enderby.	Kennedy.
Finlay.	Kinnear.
Forbes.	Land.
Fuchs.	Lee.
Graves	Long of Wichita.
of Williamson.	Mankin.
Graves of Erath.	McGill.
Hardy.	McKean.
Harman.	Moore.

Morse.	Sherrill.
Mullally.	Shipman.
Murphy.	Sinks.
Negley.	Storey.
Nicholson.	Strong.
Olsen.	Thompson.
Patterson.	Thurmond.
Pavlica.	Van Zandt.
Pool.	Veatch.
Prendergast.	Warwick.
Purl.	Westbrook.
Quinn.	Williams
Ray.	of Sabine.
Reader.	Woodruff.
Sanders.	Young.
Savage.	

Nays—38.

Adkins.	Maynard.
Barnett.	Mosely.
Bateman.	O'Neill.
Carpenter.	Pope of Jones.
Coltrin.	Reid.
Conway.	Richardson.
Cox of Lamar.	Rogers.
Cox of Limestone.	Rountree.
DeWolfe.	Shaver.
Dunlap.	Shelton.
Eickenroht.	Simmons.
Giles.	Smith.
Holder.	Snelgrove.
Hornaday.	Speck.
Keeton.	Stephens.
Kincaid.	Tarwater.
King.	Waddell.
Lemens.	White.
Loy.	Williams
Mauritz.	of Travis.

Present—Not Voting.

Kemble.	Woodall.
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Absent.

Baldwin.	Kenyon.
Cox of Navarro.	Martin.
Ewing.	McCombs.
Finn.	Mehl.
Gates.	Metcalfe.
Gilbert.	Montgomery.
Harding.	Palmer.
Heaton.	Pope of Nueces.
Hogg.	Renfro.
Hubbard.	Tillotson.
Johnson	Turner.
of Dimmit.	Wallace.
Justiss.	Wiggs.

Absent—Excused.

Acker.	Minor.
Albritton.	Petsch.
Avis.	Stevenson.
Bond.	Walters.
Gerron.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.

## Paired.

Mr. Kemble (present), who would vote "nay," with Mr. Hogg (absent), who would vote "yea."

HOUSE JOINT RESOLUTION NO. 23  
ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. J. R. No. 23, Proposing an amendment to Section 24 of Article 3 of the Constitution of the State of Texas, so as to provide that members of the Legislature shall receive no compensation for their services, but shall be entitled to mileage as may be provided by law in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller, to each county seat now or hereafter to be established.

The resolution was read second time.

Mr. Woodruff moved that the resolution be laid on the table.

Yeas and nays were demanded and the motion prevailed by the following vote:

## Yeas—70.

Ackerman.	Kinnear.
Adkins.	Land.
Baker.	Lemens.
Barnett.	Long of Houston.
Bateman.	Long of Wichita.
Bounds.	Loy.
Brice.	Maynard.
Carpenter.	McGill.
Coltrin.	McKean.
Conway.	Moore.
Cox of Lamar.	Mosely.
Cox of Limestone.	Mullally.
Dunlap.	O'Neill.
Duvall.	Palmer.
Enderby.	Pavlica.
Ewing.	Pool.
Eickenroht.	Pope of Jones.
Forbes.	Prendergast.
Gerron.	Quinn.
Harman.	Reid.
Harper.	Rogers.
Harrison.	Rountree.
Hines.	Sanders.
Hopkins.	Savage.
Hornaday.	Shelton.
Jenkins.	Shipman.
Johnson	Smith.
of Dimmit.	Snelgrove.
Jones.	Speck.
Keeton.	Stephens.
Kennedy.	Storey.
King.	Strong.

Tillotson.  
Veatch.  
Warwick.  
White.

Williams  
of Sabine.  
Woodall.  
Woodruff.

## Nays—33.

Beck.	Morse.
Bradley.	Murphy.
Brooks.	Nicholson.
Chastain.	Patterson.
Davis.	Ray.
DeWolfe.	Reader.
Fuchs.	Richardson.
Giles.	Shaver.
Hardy.	Sherrill.
Hefley.	Thompson.
Holder.	Van Zandt.
Johnson of Scurry.	Waddell.
Kayton.	Westbrook.
Kemble.	Williams
Kincaid.	of Travis.
Mankin.	Young.
Mauritz.	

## Present—Not Voting.

Finlay.

Lee.

## Absent.

Anderson.	McDonald.
Baldwin.	Mehl.
Cox of Navarro.	Metcalf.
Finn.	Montgomery.
Gates.	Negley.
Gilbert.	Olsen.
Graves of Erath.	Pope of Nueces.
Harding.	Purl.
Heaton.	Renfro.
Hogg.	Simmons.
Hubbard.	Sinks.
Justiss.	Tarwater.
Keller.	Thurmond.
Kenyon.	Turner.
Martin.	Wiggs.

## Absent—Excused.

Acker.	Minor.
Albritton.	Petsch.
Avis.	Stevenson.
Bond.	Wallace.
Graves	Walters.
of Williamson.	Webb.
Johnson of Smith.	Williams
McCombs.	of Hardin.

HOUSE BILL NO. 90 ON SECOND  
READING.

The Speaker laid before the House, as unfinished business, on its passage to engrossment.

H. B. No. 90, A bill to be entitled "An Act making it unlawful for any teacher, or other instructor, in any university, college, normal, public school

or other educational institution of this State, which is supported in whole or in part from public funds derived by State or local taxation, to teach as a fact that mankind evolved from a lower order of animals."

The bill having heretofore been read second time.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 90 then failed to pass to engrossment by the following vote:

## Yeas—50.

Mr. Speaker.	Loy.
Ackerman.	Mauritz.
Baker.	Mosely.
Barnett.	Olsen.
Bateman.	O'Neill.
Bounds.	Palmer.
Brice.	Pope of Jones.
Coltrin.	Prendergast.
Conway.	Purl.
Cox of Navarro.	Quinn.
Cox of Lamar.	Ray.
Cox of Limestone.	Renfro.
Davis.	Rountree.
Forbes.	Savage.
Graves of Erath.	Sherrill.
Harman.	Shipman.
Harper.	Simmons.
Holder.	Sinks.
Jenkins.	Snelgrove.
Johnson of Smith.	Speck.
Keeton.	Stephens.
Kennedy.	Tarwater.
King.	Veatch.
Kinnear.	Waddell.
Land.	Williams
Lemens.	of Sabine.

## Nays—59.

Adkins.	Hornaday.
Anderson.	Johnson of Scurry.
Beck.	Jones.
Bradley.	Kayton.
Brooks.	Keller.
Carpenter.	Kincaid.
Chastain.	Long of Wichita.
DeWolfe.	Mankin.
Enderby.	Maynard.
Ewing.	McGill.
Eickenroht.	McKean.
Finlay.	Moore.
Fuchs.	Morse.
Giles.	Mullally.
Graves	Murphy.
of Williamson.	Negley.
Hardy.	Nicholson.
Harrison.	Patterson.
Heaton.	Pool.
Hefley.	Reader.
Hines.	Reid.
Hopkins.	Richardson.

Sanders.  
Shaver.  
Shelton.  
Storey.  
Strong.  
Thompson.  
Thurmond.  
Tillotson.  
Van Zandt.

Warwick.  
Westbrook.  
White.  
Williams  
of Travis.  
Woodall.  
Woodruff.  
Young.

## Present—Not Voting.

Lee.

Pavlica.

## Absent.

Baldwin.	Kenyon.
Dunlap.	Martin.
Duvall.	McCombs.
Finn.	Mehl.
Gilbert.	Metcalfe.
Harding.	Montgomery.
Hogg.	Petsch.
Hubbard.	Pope of Nueces.
Johnson	Rogers.
of Dimmit.	Smith.
Justiss.	Turner.
Kemble.	Wiggs.

## Absent—Excused.

Acker.	Minor.
Albritton.	Stevenson.
Avis.	Wallace.
Bond.	Walters.
Gerron.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.

## Paired.

Mr. Gerron (absent), who would vote "yea," with Mr. Gates (present), who would vote "nay."

Mr. Woodruff moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 63, "An Act to amend Article 6869 of the Revised Civil Statutes of the State of Texas of 1925, by adding, 'Provided, that no deputy appointed by the sheriff of any county shall be authorized to serve any civil process in any civil case where any of the parties have him employed or pay him any compensation for other services and declaring an emergency.'"

H. B. No. 675, "An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9300 as shown by the scholastic census report for the school year 1928-1929."

H. B. No. 522, "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12 and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being 'An Act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost damaged or otherwise unfit for consumption and sale thereof declared to be a fraud upon the public; defining terms.'"

#### RECESS.

On motion of Mr. Purl, the House, at 6 o'clock p. m., took recess to 8 o'clock p. m. today.

#### NIGHT SESSION.

The House met at 8 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Pope of Jones:

H. B. No. 750, A bill to be entitled "An Act amending Article 2907 of the Revised Civil Statutes of the State of Texas, qualifying who shall serve as Regents of the University of Texas; providing the penalty for serving in violation of such qualifications, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Jenkins:

H. B. No. 751, A bill to be entitled "An Act to provide for the payment of taxes on vendor lien notes by the maker of such notes, he to receive credit for such taxes on such notes and to relieve the owners of such notes from the payment of taxes thereon except in the manner herein required."

Referred to Committee on Revenue and Taxation.

By Mr. Brooks:

H. B. No. 752, A bill to be entitled "An Act to allow and empower the commissioners courts of the counties of this State to pay to justices of the peace in said counties a fee of two dollars and fifty cents (\$2.50) for each and every criminal cause tried by them within a year prior to the passage of this bill, and in which such justices of the peace charged no fee therefor."

Referred to Committee on State Affairs.

#### CALL OF THE HOUSE ORDERED.

Mr. Snelgrove moved a call of the House for the purpose of maintaining a quorum until 10 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Snelgrove, the Sergeant-at-Arms was instructed to bring in all absent members in the city who are not ill.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 601, "An Act to make an appropriation of the sum of eighty thousand dollars (\$80,000.00), or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Forty-first Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the Forty-first Legislature of the State of Texas, and to pay any unpaid expenses incurred by the Fortieth Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

H. B. No. 710, "An Act to amend Section 34.41.65 (so noted in the Revised Civil Statutes of Texas), Article 199, of Title 8, of the Revised Civil Statutes of Texas, changing the time of holding the terms of the district court of the Thirty-fourth Judicial District of

Texas and permitting the continuing of the terms of court in Hudspeth and Culberson counties by the court."

H. B. No. 91, "An Act providing for the regulation of gins, ginners, ginning; the licensing of ginners; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping, marking, and providing for weighing of seed and lint cotton and cottonseed, and keeping a record of same."

#### HOUSE BILL NO. 296 ON SECOND READING.

The Speaker laid before the House as unfinished business, on its passage to engrossment,

H. B. No. 296, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualification, terms of service, and duties; authorizing them to appoint a State Superintendent of Public Instruction and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and, in general, authorizing said Board to assume and discharge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction; repealing all laws in conflict with this act, and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. Shaver pending.

Mr. Petsch offered the following amendment to the (committee) amendment:

Amend the amendment to Section 5 of House bill No. 296 as follows: "The Superintendent of Public Instruction as created in this bill and by the amendment shall be appointed by the Governor and shall serve for a period of two years and until his successor has been qualified."

Mr. Woodall raised a point of order on consideration of the amendment, on the ground that an amendment of the same substance has already been defeated by the House.

The Speaker sustained the point of order.

Mr. Harman offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 of House bill No. 296, page 5, by striking out all of subdivision (e) of Section 4 and insert in lieu thereof the following:

"In addition to other duties pre-

scribed herein, the State Board of Education shall make provision for the purchase and distribution of text books for use in the public schools of Texas in accordance with the provisions of the present law and except as otherwise herein provided. All contracts made by the State Board of Education for the purchase and distribution of text books shall be based upon selections and awards made by a text book commission composed of the chairman of the said State Board of Education, the State Superintendent, and seven members appointed by a majority vote of the State Board of Education. The chairman of the State Board of Education and the State Superintendent shall serve as chairman and secretary, respectively, of the said Text Book Commission. The seven appointed members of the Text Book Commission shall possess the qualifications prescribed by the present law for membership in the Texas State Text Book Commission. The term of office of the said seven appointed members shall be for two years or until their successors are duly appointed and qualified, beginning on January 1st of each odd numbered calendar year. It is expressly provided herein that the said Text Book Commission shall succeed and take the place of the present Texas State Text Book Commission, and shall be guided in the performance of its duties by the provisions of the present law, except as is otherwise expressly provided herein. All duties imposed upon the Governor as chairman of the present State Board of Education and Texas State Text Book Commission in the selection of text books and in making contracts for their purchase and distribution, shall devolve upon and be performed by the chairman of the State Board of Education."

Mr. Holder moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—58.

Ackerman.	Duvall.
Adkins.	Enderby.
Bateman.	Ewing.
Bounds.	Gerron.
Bradley.	Giles.
Carpenter.	Graves
Chastain.	of Williamson.
Cox of Navarro.	Hardy.
Cox of Limestone.	Harrison.
Davis.	Hefley.
Dunlap.	Hines.

Holder.	Rountree.
Johnson of Smith.	Sanders.
Jones.	Savage.
Keller.	Shaver.
Kincaid.	Shelton.
Lee.	Shipman.
Mankin.	Smith.
McGill.	Snelgrove.
Minor.	Storey.
Morse.	Thurmond.
Murphy.	Tillotson.
Negley.	Veatch.
Nicholson.	Warwick.
O'Neill.	Westbrook.
Pool.	White.
Pope of Jones.	Williams
Purl.	of Sabine.
Reader.	Woodall.
Richardson.	Woodruff.

## Nays—36.

Baker.	Kinnear.
Brice.	Land.
Brooks.	Long of Wichita.
Coltrin.	Loy.
Conway.	Mauritz.
Cox of Lamar.	McKean.
DeWolfe.	Moore.
Eickenroht.	Olsen.
Finlay.	Palmer.
Forbes.	Pavlica.
Graves of Erath.	Ray.
Harman.	Reid.
Harper.	Sherrill.
Heaton.	Simmons.
Hornaday.	Stevenson.
Jenkins.	Strong.
Kennedy.	Tarwater.
King.	Williams of Travis.

## Present—Not Voting.

Mr. Speaker.	Maynard.
Fuchs.	Quinn.
Keeton.	Stephens.
Lemens.	

## Absent.

Anderson.	McCombs.
Baldwin.	Mehl.
Barnett.	Metcalfe.
Beck.	Montgomery.
Finn.	Mosely.
Gates.	Mullally.
Gilbert.	Patterson.
Harding.	Pope of Nueces.
Hogg.	Prendergast.
Hopkins.	Renfro.
Hubbard.	Rogers.
Johnson	Sinks.
of Dimmit.	Speck.
Johnson of Scurry.	Turner.
Justiss.	Van Zandt.
Kayton.	Waddell.
Kemble.	Wiggs.
Kenyon.	Young.
Martin.	

## Absent—Excused.

Acker.	Thompson.
Albritton.	Wallace.
Avis.	Walters.
Bond.	Webb.
Long of Houston.	Williams
McDonald.	of Hardin.
Petsch.	

Mr. Shaver offered the following amendment to the (committee) amendment:

Amend (committee) amendment as follows:

"No person who has acted as an agent for any author or text book publishing house, or as the attorney for any author or text book publishing house, or who has been an author or associate author of any text book published by any publishing house, or who owns stock in any text book depository or any publishing house, or who has been directly or indirectly concerned in the authorship of any text book or connected with any text book publishing house, shall be eligible to appointment on the State Board of Education; and each member of the said State Board of Education shall, in addition to taking the official oath prescribed herein, file with the secretary of the said board an affidavit that he has not been so connected directly or indirectly with the authorship of any text book or with any text book publishing company as prescribed above, and that he will not become so connected or interested while he is a member of the said board."

The amendment was adopted.

Mr. Shaver offered the following amendment to the (committee) amendment:

Amend House bill No. 296 by changing the words "State Superintendent" to "State Commissioner of Education" wherever it refers to the person to be appointed.

On motion of Mr. Holder, the amendment was tabled.

Mr. Graves of Erath offered the following amendment to the (committee) amendment:

Amend House bill No. 296 by striking out Section 7.

Signed—Graves of Erath, Kennedy, Brice, Snelgrove.

The amendment was adopted.

Mr. Graves of Erath offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1, House bill No. 296, by striking out all

of Section 1 and Section 2 and insert in lieu thereof the following:

"Section 1. There is hereby created the State Board of Education; said board shall consist of seven members, six of whom shall be appointed by the Governor with the advice and consent of the Senate. The State Superintendent shall be a member of said board and shall be executive officer and ex-officio secretary. Of the first board to be appointed, the terms of two members shall expire on January 1, 1931, the terms of the next two members shall expire on January 1, 1933, and the terms of the remaining two members shall expire on January 1, 1935. After the organization of the first board, the term of each member shall be for six years from the date of the respective appointments, and the appointments shall be made and the terms arranged in such manner that two of said members shall retire on the first day of January biennially and the Governor shall biennially on the first day of January fill such vacancies by the appointment of two members. No member of said board shall be a resident of any county in which is located any one of the State-supported colleges, the State University, or other State-supported institutions of higher learning. Each member of the said board shall be a citizen thirty years of age or more and otherwise qualified to vote and no member shall at the time of his appointment or during the term of his service be engaged as a professional educator.

"Sec. 2. The State Board of Education shall organize by the election of one of its members as president and shall adopt such rules and regulations governing the transaction of business as it may deem necessary."

Signed—Graves of Erath, Kennedy, Veatch.

Mr. Duvall moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—55.

Ackerman.	Cox of Limestone.
Barnett.	Duvall.
Bateman.	Enderby.
Beck.	Ewing.
Bradley.	Forbes.
Carpenter.	Graves
Chastain.	of Williamson.
Conway.	Hardy.
Cox of Navarro.	Harrison.
Cox of Lamar.	Hefley.

Hines.  
Holder.  
Hornaday.  
Hubbard.  
Justiss.  
Keller.  
Kincaid.  
Kinneer.  
Land.  
Mankin.  
Mauritz.  
McGill.  
Moore.  
Morse.  
Negley.  
O'Neill.  
Pool.  
Purl.  
Reader.  
Rountree.

Sanders.  
Savage.  
Shaver.  
Simmons.  
Stephens.  
Storey.  
Strong.  
Tarwater.  
Thurmond.  
Tillotson.  
Warwick.  
Westbrook.  
White.  
Williams  
of Sabine.  
Williams  
of Travis.  
Woodall.  
Woodruff.

Nays—39.

Adkins.  
Anderson.  
Baker.  
Brice.  
Brooks.  
Coltrin.  
Davis.  
DeWolfe.  
Finlay.  
Gerron.  
Giles.  
Graves of Erath.  
Harman.  
Harper.  
Jenkins.  
Johnson of Smith.  
Jones.  
Keeton.  
Kennedy.  
King.

Lee.  
Lemens.  
Long of Wichita.  
Loy.  
McKean.  
Olsen.  
Palmer.  
Pavlica.  
Pope of Jones.  
Ray.  
Reid.  
Richardson.  
Shelton.  
Sherrill.  
Shipman.  
Smith.  
Snelgrove.  
Stevenson.  
Veatch.

Present—Not Voting.

Mr. Speaker.  
Bounds.  
Heaton.

Maynard.  
Quinn.  
Renfro.

Absent.

Baldwin.  
Dunlap.  
Eickenroht.  
Finn.  
Fuchs.  
Gates.  
Gilbert.  
Harding.  
Hogg.  
Hopkins.  
Johnson  
of Dimmit.  
Johnson of Scurry.  
Kayton.  
Kemble.  
Kenyon.  
Martin.  
McCombs.

Mehl.  
Metcalf.  
Montgomery.  
Mosely.  
Mullally.  
Murphy.  
Nicholson.  
Patterson.  
Pope of Nueces.  
Prendergast.  
Rogers.  
Sinks.  
Speck.  
Turner.  
Van Zandt.  
Waddell.  
Wiggs.  
Young.



## Absent—Excused.

Acker.	Petsch.
Albritton.	Thompson.
Avis.	Wallace.
Bond.	Walters.
Long of Houston.	Webb.
McDonald.	Williams
Minor.	of Hardin.

Mr. Heaton offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 296 by striking out on page 3, line 21, the words and figures "January 1, 1933," and insert in lieu thereof the words and figures "January 1, 1932," and strike out in line 22, page 3, the words and figures "January 1, 1935," and insert in lieu thereof the words and figures "January 1, 1933," and strike out in line 23, page 3, the word "six," and insert in lieu thereof the word "three."

On motion of Mr. Holder the amendment was tabled.

Mr. Tarwater offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1, House bill No. 296, page 5, by adding a new section, 5a, immediately following Section 5 as follows:

"The State Superintendent of Public Instruction shall be elected for a term of four years in the same manner as now provided by law; and the said four year term shall begin at the expiration of the term of the present State Superintendent of Public Instruction."

The amendment was lost.

Mr. Tillotson offered the following amendment to the (committee) amendment:

Amend House bill No. 296 by adding after Section 9, a new section to be known as Section 9a and to read as follows:

"Section 9a. All laws prescribing the qualifications of the State Superintendent of Public Instruction and devolving duties upon said officials not inconsistent with this act, are hereby made cumulative of this act."

The amendment was adopted.

Mr. Harman offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1, House bill No. 296, by striking out subdivision (a) in Section 4 and insert in lieu thereof the following:

"(a) It shall make a careful study of the financial needs of elementary and secondary education and all administrative features of the public school system and recommend to the Governor and the Legislature biennially, in a formal report, such legislation as is needed to secure adequate support and efficient administration of the public free schools."

The amendment was adopted.

Mr. Shaver offered the following (committee) amendment to the bill:

Amend House bill No. 296 by striking out all before the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled 'An Act relating to the State Board of Education; providing for the appointment of the members of said board; prescribing their qualifications, terms of service, and duties; authorizing them to appoint a State Superintendent of Public Instruction and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and, in general, authorizing said board to assume and discharge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction, providing for an appropriation to pay the expenses of said board; repealing all laws in conflict with this act, and declaring an emergency.'"

Mr. Harman offered the following amendment to the (committee) amendment:

Amend committee amendment No. 2, House bill No. 296, page 7, by striking out the word "authorizing" in line 6 and all of lines 7, 8, 9, 10, 11 and 12, to and including the word "instruction."

The amendment was adopted.

The (committee) amendment, as amended, was then adopted.

House bill No. 296 was then passed to engrossment.

### HOUSE BILL NO. 296 ON THIRD READING.

Mr. Shaver moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 296 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91.

Mr. Speaker.	Adkins.
Ackerman.	Anderson.

Baker.	Lee.
Barnett.	Lemens.
Bateman.	Loy.
Beck.	Maynard.
Bond.	McGill.
Bounds.	Moore.
Bradley.	Morse.
Carpenter.	Murphy.
Chastain.	Negley.
Coltrin.	Olsen.
Conway.	O'Neill.
Cox of Lamar.	Pavlica.
Cox of Limestone.	Pool.
Davis.	Pope of Jones.
DeWolfe.	Purl.
Dunlap.	Quinn.
Duvall.	Reader.
Enderby.	Renfro.
Ewing.	Richardson.
Finlay.	Rountree.
Forbes.	Sanders.
Fuchs.	Savage.
Gerron.	Shaver.
Giles.	Shelton.
Graves	Sherrill.
of Williamson.	Shipman.
Graves of Erath.	Simmons.
Hardy.	Smith.
Harman.	Snelgrove.
Harper.	Stevenson.
Harrison.	Storey.
Hines.	Strong.
Holder.	Tarwater.
Hornaday.	Thurmond.
Jenkins.	Tillotson.
Johnson of Smith.	Veatch.
Jones.	Wallace.
Justiss.	Warwick.
Kayton.	Westbrook.
Keeton.	White.
Keller.	Williams
Kemble.	of Sabine.
Kennedy.	Williams
Kincaid.	of Travis.
Kinnear.	Woodall.
Land.	Woodruff.

Nays—11.

Heaton.	Nicholson.
Hefley.	Palmer.
King.	Ray.
Long of Wichita.	Reid.
Mankin.	Stephens.
McKean.	

Absent.

Baldwin.	Hopkins.
Brice.	Hubbard.
Brooks.	Johnson
Cox of Navarro.	of Dimmit.
Eickenroht.	Johnson of Scurry.
Finn.	Kenyon.
Gates.	Martin.
Gilbert.	Mauritz.
Harding.	McCombs.
Hogg.	Mehl.

Metcalfe.	Sinks.
Montgomery.	Speck.
Mosely.	Turner.
Mullally.	Van Zandt.
Patterson.	Waddell.
Pope of Nueces.	Wiggs.
Prendergast.	Young.
Rogers.	

Absent—Excused.

Acker.	Petsch.
Albritton.	Thompson.
Avis.	Walters.
Long of Houston.	Webb.
McDonald.	Williams
Minor.	of Hardin.

The Speaker then laid House bill No. 296 before the House on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL NO. 68 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 68, A bill to be entitled "An Act to regulate searches and seizures."

The bill was read third time and was passed.

#### HOUSE BILL NO. 91 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 91, A bill to be entitled "An Act providing for the regulation of gins, ginners, ginning; the licensing of ginners; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping, marking, and providing for weighing of seed and lint cotton and cottonseed, and keeping a record of same."

The bill was read third time and was passed.

#### HOUSE BILL NO. 220 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 220, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

The bill was read third time and was passed by the following vote:

## Yeas—75.

Mr. Speaker.	Kinnear.
Adkins.	Lee.
Baker.	Lemens.
Barnett.	Mauritz.
Bond.	Moore.
Bounds.	Morse.
Bradley.	Olsen.
Brooks.	O'Neill.
Carpenter.	Palmer.
Chastain.	Pavlica.
Coltrin.	Purl.
Conway.	Quinn.
Cox of Lamar.	Ray.
Davis.	Reader.
DeWolfe.	Reid.
Duvall.	Renfro.
Enderby.	Sanders.
Ewing.	Savage.
Finlay.	Shaver.
Forbes.	Shelton.
Fuchs.	Sherrill.
Giles.	Shipman.
Graves	Simmons.
of Williamson.	Smith.
Graves of Erath.	Stephens.
Harman.	Stevenson.
Harper.	Strong.
Harrison.	Tarwater.
Heaton.	Thurmond.
Hefley.	Tillotson.
Hines.	Veatch.
Holder.	Wallace.
Hornaday.	White.
Johnson of Smith.	Williams
Justiss.	of Sabine.
Kayton.	Williams
Kennedy.	of Travis.
Kincaid.	Woodall.
King.	Woodruff.

## Nays—26.

Ackerman.	Loy.
Anderson.	Mankin.
Bateman.	Maynard.
Beck.	McGill.
Cox of Limestone.	McKean.
Gerron.	Murphy.
Hardy.	Negley.
Jenkins.	Pool.
Jones.	Richardson.
Keller.	Rountree.
Kemble.	Storey.
Land.	Warwick.
Long of Wichita.	Westbrook.

## Absent.

Baldwin.	Harding.
Brice.	Hogg.
Cox of Navarro.	Hopkins.
Dunlap.	Hubbard.
Eickenroht.	Johnson
Finn.	of Dimmit.
Gates.	Johnson of Scurry.
Gilbert.	Keeton.

Kenyon.	Pope of Nueces.
Martin.	Prendergast.
McCombs.	Rogers.
Mehl.	Sinks.
Metcalfe.	Snelgrove.
Montgomery.	Speck.
Mosely.	Turner.
Mullally.	Van Zandt.
Nicholson.	Waddell.
Patterson.	Wiggs.
Pope of Jones.	Young.

## Absent—Excused.

Acker.	Petsch.
Albritton.	Thompson.
Avis.	Walters.
Long of Houston.	Webb.
McDonald.	Williams
Minor.	of Hardin.

## HOUSE BILL NO. 281 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 281, A bill to be entitled "An Act to amend Article 6215, Title 109, Revised Statutes of Texas, 1925, relative to the time of payment of pensions, affidavits supporting claims and warrants issued in payment thereof, by changing the time of payment of the pensions so as to provide that payments shall be made on the first day of each month of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and was passed.

## HOUSE BILL NO. 286 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 286, A bill to be entitled "An Act providing that every person registering a motor vehicle, tractor, trailer, semi-trailer or motorcycle used on the public highways of this State shall accompany his application for registration with a statement upon oath or affirmation, signed by the applicant, that such motor vehicle, tractor, trailer, semi-trailer or motorcycle was rendered for taxation for the preceding year or that said vehicle was not liable for taxation during said preceding year, or that said vehicle was not owned, in whole or in part, by the applicant during the preceding year, and stating that the number plates or seal assigned to applicant will not be used on a different motor vehicle, tractor, trailer, semi-trailer or motorcycle other than for

which application is made, and providing for the payment of the tax upon said vehicle for the preceding year in lieu of such statement; providing for the administration of such oath or affirmation by the tax collector; and providing a penalty for any misrepresentation made in said statement, and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 309 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 309, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in the public schools of Texas; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical education instruction in the public schools."

The bill was read third time and was passed.

#### HOUSE BILL NO. 389 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 389, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14, and 15, of House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term 'motor bus company' and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting to the Railroad Commission the power to bring suits to procure injunctions for the enforcement of the provisions of said House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature."

The bill was read third time and was passed by the following vote:

Yeas—98.

Mr. Speaker.	Anderson.
Ackerman.	Baker.
Adkins.	Barnett.

Bateman.	Loy.
Beck.	Mankin.
Bond.	Maynard.
Bounds.	McCombs.
Bradley.	McGill.
Brooks.	McKean.
Carpenter.	Moore.
Chastain.	Morse.
Coltsin.	Murphy.
Cox of Lamar.	Negley.
Cox of Limestone.	Nicholson.
Davis.	Olsen.
DeWolfe.	O'Neill.
Duvall.	Palmer.
Enderby.	Pavlica.
Ewing.	Pool.
Finlay.	Prendergast.
Forbes.	Purl.
Fuchs.	Quinn.
Gerron.	Reader.
Gilbert.	Reid.
Giles.	Renfro.
Graves	Richardson.
of Williamson.	Rountree.
Graves of Erath.	Savage.
Hardy.	Shaver.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Heaton.	Simmons.
Hefley.	Smith.
Hines.	Stephens.
Holder.	Stevenson.
Hornaday.	Storey.
Hubbard.	Strong.
Jenkins.	Tarwater.
Johnson of Smith.	Thurmond.
Jones.	Tillotson.
Justiss.	Veatch.
Kayton.	Warwick.
Keeton.	Westbrook.
Keller.	White.
Kemble.	Williams
Kennedy.	of Sabine.
Kincaid.	Williams
Kinnear.	of Travis.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Wichita.	Young.

Nays—4.

King.	Sanders.
Land.	Wallace.

Absent.

Baldwin.	Johnson
Brice.	of Dimmit.
Conway.	Johnson of Scurry.
Cox of Navarro.	Kenyon.
Dunlap.	Martin.
Eickenroht.	Mauritz.
Finn.	Mehl.
Gates.	Metcalfe.
Harding.	Montgomery.
Hogg.	Mosely.
Hopkins.	Mullally.

Patterson.	Snelgrove.
Pope of Jones.	Speck.
Pope of Nueces.	Turner.
Ray.	Van Zandt.
Rogers.	Waddell.
Sinks.	Wiggs.

Absent—Excused.

Acker.	Petsch.
Albritton.	Thompson.
Avis.	Walters.
Long of Houston.	Webb.
McDonald.	Williams
Minor.	of Hardin.

## HOUSE BILL NO. 465 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage.

H. B. No. 465, A bill to be entitled "An Act to amend Title 11, Chapter 8-A (6-a), Article 588½ qq of the Penal Code of the Revised Civil Statutes of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the state-wide intoxicating liquor prohibition."

The bill was read third time.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 465, below the enacting clause, by striking out in line 21 of Section 2 the words "two hundred" and inserting in lieu thereof the words "five hundred" and by striking out in line 23 of the same section the word "three" and inserting in lieu thereof the word "twelve."

Signed—Snelgrove, Keller.

Mr. Anderson moved to table the amendment and the motion to table was lost.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—91.

Ackerman.	Cox of Lamar.
Adkins.	Cox of Limestone.
Baker.	Davis.
Barnett.	Dunlap.
Bateman.	Duvall.
Beck.	Enderby.
Bond.	Ewing.
Bounds.	Finlay.
Bradley.	Forbes.
Brooks.	Fuchs.
Carpenter.	Gerron.
Chastain.	Giles.
Coltrin.	Graves
Conway.	of Williamson.

Graves of Erath.	O'Neill.
Hardy.	Palmer.
Harman.	Prendergast.
Harper.	Quinn.
Heaton.	Ray.
Hines.	Reader.
Holder.	Reid.
Hornaday.	Renfro.
Jenkins.	Rountree.
Johnson of Smith.	Sanders.
Justiss.	Savage.
Kayton.	Shaver.
Keeton.	Shelton.
Keller.	Sherrill.
Kemble.	Shipman.
Kennedy.	Simmons.
Kincaid.	Smith.
King.	Stephens.
Kinnear.	Stevenson.
Land.	Storey.
Lee.	Strong.
Lemens.	Tarwater.
Long of Wichita.	Tillotson.
Loy.	Wallace.
Mankin.	Warwick.
Mauritz.	White.
Maynard.	Williams
Moore.	of Sabine.
Morse.	Williams
Murphy.	of Travis.
Negley.	Woodall.
Nicholson.	Woodruff.
Olsen.	Young.

Nays—11.

Anderson.	Pavlica.
Harrison.	Pool.
Hefley.	Thurmond.
Jones.	Veatch.
McGill.	Westbrook.
McKean.	

Absent.

Baldwin.	Metcalfe.
Brice.	Minor.
Cox of Navarro.	Montgomery.
DeWolfe.	Mosely.
Eickenroht.	Mullally.
Finn.	Patterson.
Gates.	Petsch.
Gilbert.	Pope of Jones.
Harding.	Pope of Nueces.
Hogg.	Purl.
Hopkins.	Richardson.
Hubbard.	Rogers.
Johnson	Sinks.
of Dimmit.	Snelgrove.
Johnson of Scurry.	Speck.
Kenyon.	Turner.
Martin.	Van Zandt.
McCombs.	Waddell.
Mehl.	Wiggs.

Absent—Excused.

Acker.	Avis.
Albritton.	Long of Houston.

McDonald.  
Thompson.  
Walters.

Webb.  
Williams  
of Hardin.

Mr. Graves of Erath moved the previous question on the bill and the main question was ordered.

Question recurring on the passage of the bill, yeas and nays were demanded.

The roll of the House was called and the vote resulted as follows: Yeas 56, nays 41.

The Speaker announced that there was not a quorum present.

#### ADJOURNMENT.

Mr. Barnett moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Quinn moved that the House recess to 9 o'clock a. m. next Monday.

Mr. Anderson moved that the House adjourn until 9:30 o'clock a. m. next Monday.

The motion of Mr. Anderson prevailed and the House, accordingly, at 10:35 o'clock p. m., adjourned until 9:30 o'clock a. m., Monday, March 4.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

State Affairs: Senate bills Nos. 665, 657, 560, 592.

Constitutional Amendments: Senate joint resolutions Nos. 9, 7, 24.

Game and Fisheries: Senate bill No. 515.

Public Lands and Buildings: House bill No. 740.

Appropriations: Senate bill No. 601.

Education: House bill No. 743.

State Affairs: Senate bill No. 485.

Highways and Motor Traffic: Senate bills Nos. 457, 579.

Public Health: Senate bill No. 589.

Judicial Districts: Senate bill No. 531.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 15, Proposing an amendment to the Constitution of the State of Texas by providing that the Legislature shall have no power to increase or diminish the salary or compensation of any public officer to become effective during the term of office for which such officer shall have been elected or appointed,

Has carefully compared same and find it correctly engrossed.

DeWOLFE, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 738, A bill to be entitled "An Act relating to the duties of the county board of education and the county superintendent of counties with an area of 977 square miles and a population of not less than 15,000 nor more than 20,000 according to the last preceding Federal census, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

DeWOLFE, Vice-Chairman.

Committee Room,

Austin, Texas, February 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 389, A bill to be titled "An Act to amend Sections 1, 4, 8, 14 and 15, of House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term 'motor bus company' and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting to the Railroad Commission the power to bring suits to procure injunctions for the enforcement of the provisions of said House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room.

Austin, Texas, March 1, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 2, Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas, by providing therein that the homestead as now defined by the Constitution of this State and five hundred dollars (\$500) worth of household and kitchen furniture belonging to each family in this State shall be exempt from taxation for State purposes and shall not be subject to a State tax.

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 421, "An Act providing a ten year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

In Memory  
of  
Dr. H. L. Tate

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Mr. Smith offered the following resolution:

Whereas, Dr. H. L. Tate departed this life and passed on to the great beyond from his home at Lindale, Smith county, Texas, on Tuesday, the 25th of February, 1929; and

Whereas, Dr. Tate answered the call of the Old South during the 'Civil strife of 1861, joined the Confederate Army, and rendered distinguished service throughout the war; and

Whereas, Dr. Tate more than a half century past served two terms as a member of this body and served his State faithfully, patiently and wisely; and

Whereas, Dr. Tate served his country, his State, his county, his community and his fellow-men throughout his sojourn of 87 years on this earth; and

Whereas, A host of friends feel keenly the loss of this faithful worker and his community a true friend and an honorable citizen of Texas; therefore, be it

Resolved, That a page of the House Journal be set aside to the memory of the deceased and that when the House of Representatives adjourn at the close of its labors on this day, that it do so in the memory of him; and be it further

Resolved, That a copy of this resolution, signed by the Speaker and Chief Clerk, be mailed to his bereaved family.

SMITH,  
JOHNSON of Smith.

The resolution was read second time and was adopted by a rising vote.



# In Memory of Hon. W. S. Simkins

Mr. Storey offered the following resolution:

H. C. R. No. 31, In memory of Hon. W. S. Simkins.

Whereas, The Legislature has learned with profound sorrow of the death of Colonel W. S. Simkins, Professor Emeritus of the Law School of the University of Texas; and

Whereas, From February 10, 1861, when he gave the command to fire upon Fort Sumter, until the day of his death, he remained an example of the spirit and chivalry of the Old South; and

Whereas, He was the father of the Bar Association of the State of Texas; and

Whereas, He has given to this State many of its most valuable treatises upon the law; and

Whereas, His conduct as a professor of law for more than a quarter of a century, endeared him to every student of the Law School of the University of Texas; and

Whereas, By word and by example he influenced in the highest way the minds and lives of all who knew him; and

Whereas, His character and personality are indelibly impressed upon the laws of this State; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That in the death of Colonel Simkins, the people of Texas have lost a great patriot, a profound scholar, a distinguished jurist, a true teacher, and a very courtly Southern gentleman, a man who, by his life and action has contributed much to Texas and its people, whose place will never be filled and whose memory will be kept forever sacred by the grateful people of the State of Texas; and be it further

Resolved, That this resolution be spread upon the journals of the House and Senate as a permanent record of our feelings and our sympathy to the family and relatives of the distinguished dead, and that the Chief Clerk of the House of Representatives be instructed to send an enrolled copy of this resolution to the family of Colonel Simkins.

STOREY,  
BRADLEY,  
NEGLEY,  
MINOR,  
HARRISON,  
WOODALL,  
SPECK,  
PURL,  
POOL,  
HOPKINS,  
KEMBLE,  
PATTERSON,  
DeWOLFE,  
WOODRUFF,  
KAYTON,  
BARRON,  
ACKERMAN,  
ADKINS,  
BARNETT,  
BOND,

BRICE,  
BROOKS,  
CHASTAIN,  
COX of Navarro,  
COX of Limestone,  
DAVIS,  
GERRON,  
GILBERT,  
GRAVES of Williamson,  
GRAVES of Erath,  
HEFLEY,  
HINES,  
HOLDER,  
HORNADAY,  
JENKINS,  
JOHNSON of Scurry,  
LAND,  
LEMENS,  
MAURITZ,  
LONG of Wichita,

McGILL,  
MEHL,  
MULLALLY,  
MURPHY,  
OLSEN,  
POPE of Nueces,  
RAY,  
REID,  
RENFRO,  
SHAVER,  
SHERRILL,  
SIMMONS,  
SNELGROVE,  
STEVENSON,  
TARWATER,  
THURMOND,  
TILLOTSON,  
VAN ZANDT,  
WALLACE.

The resolution was read second time and was adopted by a rising vote.

Mr. Purl asked unanimous consent for the following to be printed in the House Journal:

## **This Name is a Symbol**

Not to many men is it given to leave this earth with the knowledge that their very names become symbols. Col. W. S. Simkins was such a man. He died convinced that he pulled the lanyard on the first gun fired in the Civil War. And yet he died a recognized authority on practice in the courts of the Federal Government against which he so blithely took up arms as a slip of a boy.

The Colonel fought the war as might an aspirant for knighthood in glamoured days long past. And when the war was done and the agony of reconstruction seized upon his beloved Southland, he threw his gaunt frame and dauntless heart into the balances afresh as unconquered and unafraid as the lad in uniform who pulled the lanyard.

This generation knows him only as a man of leonine head and mellifluent eloquence, learned in the law, outspoken in the creed of the elder advocates of honor unstained as the lily and scruple as shining as the sun. It is a fine picture. But the Colonel was as terrible in the day of wrath as he was charming in the walks of peace. A dashing soldier, a formidable rebel, a fiery pleader of a righteous cause, an incorruptible jurist, a splendid citizen, a beloved educator and a loyal American, this white-haired old man laid him down on his bed and closed his eyes, full of years and ready to rejoin his own.

Tears are not for such men. Of sorrow he had his share during his days. But he met it as a man of faith and mastered it. His end is fitting, his service complete, his career well rounded out with honor, achievement, love. A thousand times his name has rung out from strong young throats as the battle cry of collegiate struggle. A thousand times ten thousand times it will reverberate, challenging to contest, clamant of courage, incarnate in youth eternal and unsubdued—

“Simkins, Simkins,  
Perigrinus!  
Laws! Laws! Laws!”

—Editorial Dallas News, March 1, 1929.